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4 UNITED STATES DISTRICT COURT  
5 DISTRICT OF NEVADA

6 \* \* \*

7 ANDREA HERBERT,

Case No. 2:17-cv-02410-APG-PAL

8 Plaintiff,

ORDER

9 v.

(Mot WD Atty – ECF No. 11)

10 NEW CASTLE CORPORATION,

11 Defendant.

12 This matter is before the court on attorney Daniel R. Watkin's Motion to Withdraw as  
13 Counsel of Record (ECF No. 11) for the plaintiff. The court has reviewed the motion and  
14 defendant's Opposition (ECF No. 12). The motion represents that further representation of  
15 plaintiff would be contrary to the interests of both counsel and plaintiff based on recent privileged  
16 conversations between client and attorney. Mr. Watkins therefore seeks leave to withdraw as  
17 counsel of record.

18 Defendant opposes the motion and concludes that counsel filed the motion to withdraw  
19 because he "recognizes the frivolousness of Plaintiff's claims." Counsel for Defendant states he  
20 was in the process of drafting a Rule 11 letter and motion for sanctions as well as a meet and confer  
21 letter regarding overdue discovery responses when this motion to withdraw was filed. Defendant  
22 requests that the motion to withdraw be denied or set for oral argument or for a case management  
23 conference.

24 Having reviewed and considered the matter, and for good cause shown,

25 **IT IS ORDERED:**

- 26 1. Mr. Watkin's Motion to Withdraw (ECF No. 11) is **GRANTED**.  
27 2. The plaintiff shall have until **January 18, 2018** in which to either retain substitute  
28 counsel who shall make an appearance in accordance with the requirements of the

1 Local Rules of Practice, or to file a notice with the court that she will be appearing  
2 in this matter *pro se*.

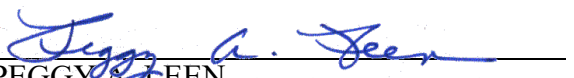
- 3 3. The Clerk of the Court shall serve the plaintiff with a copy of this order at his last  
4 known address:

5 Andrea Herbert  
6 740 Fortacre St.  
Henderson, NV 89002

- 7 4. A status and case management conference is set for **January 30, 2018 at 9:30 a.m.**  
8 **Plaintiff shall appear in person whether or not she has retained substitute**  
9 **counsel.**

- 10 5. Plaintiff's failure to timely comply with this order by either obtaining substitute  
11 counsel, or filing a notice that she will be appearing in this matter *pro se*, and  
12 personally appearing at the hearing may result in the imposition of sanctions, which  
13 may include a recommendation to the District Judge that plaintiff's complaint be  
14 dismissed for failure to prosecute. *See* Fed. R. Civ. P. 41(b).

15  
16 DATED this 18th day of December, 2017.

17  
18   
19 PEGGY A. LEEN  
UNITED STATES MAGISTRATE JUDGE